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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING NOTICE:</b>	<b>BOARD OF NURSING Meeting Minutes</b>
<b>DATE AND TIME:</b>	<b>Wednesday, February 13, 2013 at 9:00 a.m.</b>
<b>PLACE:</b>	<b>Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904</b>
<b>Minutes Approved:</b>	<b>March 13, 2013</b>

**MEMBERS PRESENT**

Evelyn Nicholson, President, Public Member  
Robert Contino, RN, Vice President, Nurse Education Member  
Kathy Bradley, LPN Member  
Lyron Deputy, RN Member  
Dianne Halpern, RN Member  
Gwelliam Hines, RN Member  
Mary Lomax, Public Member  
Madelyn Nellius, Public Member  
David Salati, RN Member (left meeting at 3:04 p.m.)  
Harland Sanders, Jr., Public Member  
Pamela Tyranski, RN Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Pamela Zickafoose, Executive Director  
Sheryl Paquette, Administrative Specialist III  
Patty Davis-Oliva, Deputy Attorney General

**MEMBERS ABSENT**

Tracy Littleton, LPN Member  
Robert Maddex, Public Member  
Delphos Price, APN Member

**ALSO PRESENT**

Anne L. Swoyer, Wilcox and Fetzer  
Kougar Ashpole  
Tamala Paxton, DTCC – Owens Campus  
Lisa Schieffert, DHA  
Connie Bushy, M.H. Rollins School of Nursing at Beebe Medical Center  
Andrew Hudson, M.H. Rollins School of Nursing at Beebe Medical Center  
Ashley Ward, M.H. Rollins School of Nursing at Beebe Medical Center  
Jeannine Kinsler, M.H. Rollins School of Nursing at Beebe Medical Center

Danielle Kell, M.H. Rollins School of Nursing at Beebe Medical Center  
Chris Helminian, M.H. Rollins School of Nursing at Beebe Medical Center  
Morgan Kerns  
Sylvia Nawrot, LEADS School  
Sarah Carey

Ms. Nicholson called the meeting to order at 9:04 a.m. The Board introduced themselves to the public.

#### **REVIEW OF MINUTES**

The Board reviewed the minutes of the January 9, 2013 meeting. Mr. Salati asked to review page 2, 'Review of Minutes of the Temporary Suspension Meeting'. He said the minutes should reflect that he was 'recused', not 'abstaining'. A correction will be made to the final minutes. Ms. Sanders made a motion, seconded by Ms. Bradley, to approve the minutes as amended. By unanimous vote, the motion carried.

#### **CONCLUSION OF RULES & REGULATIONS PUBLIC HEARING – 9:06 A.M.**

**BOARD PRESENT:** Evelyn Nicholson, Robert Contino, Kathy Bradley, Lyron Deputy, Dianne Halpern, Gwelliam Hines, Mary Lomax, Madelyn Nellius, David Salati, Harland Sanders, and Pamela Tyranski.

**PUBLIC PRESENT:** None

**PURPOSE:** The Delaware Board of Nursing pursuant to 24 Del. C. §1904(c), proposes to revise Regulations 14.2.1.5 and 14.2.1.6. The proposed revisions to these regulations allow a nurse changing her primary state of residence from one Compact state to another to continue to practice under her home state license for 90 days. This is an increase in time from the prior regulation, which only allowed a nurse to work under her home state license for 30 days before requiring a new home state license. This change was prompted by the same change made in the Nurse Licensure Compact Administrators' Model Rules and Regulations.

**PRESIDING:** Evelyn Nicholson, President

**DIVISION STAFF:** Dr. Pamela Zickafoose, Executive Director  
Sheryl Paquette, Administrative Specialist II

**BOARD COUNSEL:** Patty Davis-Oliva, Deputy Attorney General

**COURT REPORTER:** Anne L. Swoyer, Wilcox and Fetzer

The hearing began at 9:06 a.m. Ms. Davis-Oliva stated that no written public comment was received by the Board office. The Board introduced themselves for the record. No public was present for comment. Ms. Davis-Oliva summarized the proposed amendments for the Board. Ms. Davis-Oliva said the proposed change was published in the Delaware Registrar of Regulations on January 1, 2013, and the comment period has been open since then. No comments have been sent in to the Division and there were no comments from the public at this hearing. Ms. Davis-Oliva said the written comment period would remain open for an additional 15 days. If no comments are received during that time, the proposed regulations will be re-published. The hearing concluded at 9:08 a.m.

### **ADOPTION OF THE AMENDED AGENDA**

Ms. Nellius made a motion, seconded by Dr. Lomax, to adopt the amended agenda as printed. By unanimous vote, the motion carried.

### **ACTIVITIES REPORT**

Dr. Zickafoose provided a report of the number and types of active licenses as of February 12, 2013.

Total Active Licenses = 20,193

APN = 1258

RN = 15,998

LPN = 2937

Total permits= 36

### **UNFINISHED BUSINESS**

#### **Excelsior Update**

Dr. Zickafoose informed the Board that she has received calls from two students in the Excelsior program and from a representative of Excelsior College who requested to speak to the Practice and Education Committee. Ms. Davis-Oliva questioned the utility of having Excelsior speak to the Board or its subcommittee when it could apply to become a Delaware Board approved program. Board members discussed the conversation at last month's meeting regarding Excelsior's on-line program that does not meet the Board's regulatory requirements for clinical hours in a nursing education program. Board members discussed the 400 hours of clinical required for RN programs, as well as the 200 that are required for the LPN and a consensus was reached that the Board's rules are clear that clinical is required for graduates of Delaware's nursing programs and this should be consistent for all exam candidates.

Dr. Zickafoose said NCSBN informed her that students who enroll in the Excelsior program can just take the test if that is what they choose to do. She was told it is more of a testing program than a nursing program. According to California, Excelsior is the only school in the United States with this type of total online education program. All the rest have clinical components.

Dr. Zickafoose contacted Maryland, New Jersey, Pennsylvania and Virginia to see what their procedure is regarding Excelsior graduates. She said Pennsylvania and New Jersey allow Excelsior graduates to test in their states. Maryland does not. Virginia does not, but Excelsior was at their board meeting this last month and they are working on some regulatory changes. Board members discussed endorsement for Excelsior graduates. Dr. Contino reminded Board members that a person has to meet the practice hours to be eligible for endorsement and Excelsior grads would not meet this requirement. Ms. Nicholson talked about the possibility of adding a check box on the application whereby the applicant would attest to their practice hours.

Dr. Zickafoose and the Board discussed how the Division processes applications, and considered the best way to handle Excelsior applications. Members decided a letter would be sent by the credentialing person stating the applicant does not meet the requirements for licensure in Delaware, and anyone receiving such a letter would be given the opportunity to request a hearing if s/he believes this decision was reached in error. Ms. Tyranski commented that if an applicant goes through with a hearing and is denied, then that is reported as discipline. This information will be included in the letter to be drafted by Ms. Davis-Oliva and Dr. Zickafoose.

After much discussion, Mr. Salati made a motion, seconded by Ms. Tyranski, that a question would be put on the website under the FAQ's; a statement will be added to the exam application form for Nursing

Programs Directors to attest their program meets the minimum clinical hours required; a formal letter would be drafted by Dr. Zickafoose and Ms. Davis-Oliva to be sent at the point of credentialing; and authority is delegated to the staff to send a letter to licensure by exam applicants who list Excelsior as their sole nursing education. By unanimous vote the motion carried.

#### **COMMITTEE REPORTS**

APN Committee – Dr. Zickafoose gave this report in Mr. Price's absence. She said the meeting was scheduled for Monday, February 11<sup>th</sup> in Newark, members showed up for the meeting, but the meeting was canceled due to lack of a quorum.

AWSAM Committee – Ms. Tyranski said the committee met at the end of January 2013. She said the committee finished the preliminary work on definitions that will go into the actual programmatic descriptions and policies/procedures.

The curriculum sub-committee met and they are working on tracking training of instructors and providers, developing competencies, and how often competencies will be tested. They are also discussing minimum requirements for trainers, and what entity will be responsible for overseeing that the instructors, as well as the direct care providers, are maintaining their competencies and keeping them up to date. Overall, both committees are making progress.

#### **PRESIDENT'S REPORT**

Ms. Nicholson said January was a busy month with business as usual.

#### **EXECUTIVE DIRECTOR'S REPORT**

Dr. Zickafoose reminded members about the letter from Mr. James Collins regarding Executive Order #36. The letter asks all boards to review their Rules and Regulations and submit changes or concerns using the 'Comment Submission Form' attached in the emailed letter. Three open public hearings were held throughout the state and Hearing Officer Roger Akin said there were very few comments for any of the boards in the Division.

Interviews were conducted last week and Ms. Amanda McAtee was hired as a full-time Board Liaison on Team A, leaving her part-time position on Team A vacant. Dr. Zickafoose reported that she has contacted the top candidate and that person is very interested in the part-time position; hopefully, it will be filled very soon.

The Nurse Licensure Compact Administrators had a meeting by conference call yesterday and there are currently five states introducing legislation to become members of the compact and they are Connecticut, Massachusetts, New Jersey, Minnesota and Illinois. There is also a question about Guam becoming part of the compact.

The Division is going to be audited in April 2013 by the National Practitioner Databank for compliance with all disciplines. They compare what is on our discipline list on the website with what has been submitted to the National Practitioner Databank. There were four issues for the Board of Nursing that were corrected.

Committee work has been very active with the addition of the AWSAM curriculum sub-committee and reactivation of the Joint Practice Committee for an APN hearing. This will be the first JPC hearing that Dr. Zickafoose is aware of for disciplinary action.

The Division is getting very close to completing their branding project. Dr. Zickafoose thanked Ms. Nicholson for her participation on the initial focus group for DPR branding. Dr. Zickafoose

congratulated Ms. Davis-Oliva on being promoted to the position of DAG in charge of the Administrative Law and Education unit, replacing Ms. Reardon who was promoted to state solicitor.

**NEW BUSINESS BEFORE THE BOARD**  
**LICENSEE APPLICATION REVIEWS**

**By Examination**

**Kougar Ashpole, GN**

Ms. Ashpole is a GN applicant who graduated from Banner Boswell Community College, Sun City, AZ on 12/11/12. Ms. Ashpole's criminal background showed a Resisting Arrest charge on 12/6/2002. Ms. Ashpole submitted a letter of explanation, disposition paperwork and seven letters of positive reference. Ms. Halpern made a motion, seconded by Ms. Bradley, to grant a waiver for Ms. Ashpole to sit for the exam. By unanimous vote, the motion carried.

**Adam Cooke, GPN**

Mr. Cooke is a GPN applicant who graduated from DTCC, Owens Campus, Delaware on 12/2012. His criminal background showed Possession of a Non-Narcotic Schedule I Controlled Substance on 6/12/2002. Mr. Cooke submitted a letter of explanation, disposition paperwork and two letters of positive reference. Mr. Sanders made a motion, seconded by Dr. Lomax, to grant a waiver for Mr. Cooke to sit for the exam. By unanimous vote, the motion carried.

**Karen Mack, GPN**

Ms. Mack is a GPN applicant who graduated from Camtech School of Nursing, DE on 9/2012. Her criminal background showed Conspiracy Third Degree – Agreement to Engage in Misdemeanor Criminal Conduct and Receiving Stolen Property Under \$1000 on 9/20/1997. Ms. Mack submitted a letter of explanation, disposition paperwork and two letters of positive reference. The Board questioned Ms. Mack's start date and graduation date on her transcript. Dr. Zickafoose said Ms. Mack transferred into Camtech with transfer credits from another school. Dr. Lomax made a motion, seconded by Ms. Nellius, to grant a waiver for Ms. Mack to sit for the exam. By majority vote, the motion carried, with Dr. Contino and Ms. Halpern abstaining.

**Sarah Phillips, GPN**

Ms. Phillips is a GPN applicant who graduated from DTCC, Owens Campus on 12/2012. Her criminal background showed 'Theft: Less \$500 Value' on 8/30/08. Ms. Phillips submitted a letter of explanation, disposition paperwork and three letters of positive reference. Board members questioned whether or not Ms. Phillips was still on probation from the court. Dr. Contino made a motion, seconded by Ms. Bradley, to grant a waiver for Ms. Phillips to sit for the exam, provided Ms. Phillips is no longer on probation. Ms. Phillips must submit a court document providing proof she is no longer on probation. By unanimous vote, the motion carried.

**Claire Mazalewski, GN**

Ms. Mazalewski is a GN applicant who graduated from DTCC, Stanton Campus on 12/2012. Her criminal background showed Conspiracy Third Degree on 7/24/07. Ms. Mazalewski submitted a letter of explanation, disposition paperwork and one letter of positive reference. Ms. Halpern made a motion, seconded by Mr. Deputy, to grant a waiver for Ms. Mazalewski to sit for the exam. By unanimous vote, the motion carried.

**By Endorsement**

**Janine Trainer, LPN**

Ms. Trainer is an LPN who graduated from Salem Community College, Carneys Point, NJ on August 10, 2010. Ms. Trainer submitted paperwork that showed she took CE courses but has not practiced.

Her paperwork showed she still needs one more CE. Dr. Zickafoose stated that if Ms. Trainer had taken a Microbiology course that it would equal 20 CE's and she would have met her requirement. Dr. Contino made a motion, seconded by Ms. Bradley, to approve a supervised practice plan for Ms. Trainer. By unanimous vote, the motion carried.

David Gaines, RN, APN

Mr. Gaines contacted the Board during the meeting and requested his application be reviewed because he had been waiting several months for a temporary permit which was an oversight by Board staff. Mr. Gaines' CBC showed a conviction for criminal contempt, a protection from abuse order, menacing, reckless endangerment, criminal mischief, and domestic violence. Documentation from PA was submitted showing they proposed to deny licensure and then after a full hearing, licensure was granted in 2007. He has recently graduated from an APN program and is waiting to take the certification exam which is required for full APN licensure. Mr. Deputy made a motion, seconded by Ms. Halpern, to grant a temporary permit until the certification exam is successfully completed with licensure issuance when applicable. By unanimous vote, the motion carried.

**By Reinstatement**

Laurie Linehan, RN

Ms. Linehan is an RN who graduated from DTCC, Georgetown Campus on 12/13/2002 and passed her NCLEX-RN on 1/22/2003. Her criminal background showed Disorderly Conduct and Assault 3<sup>rd</sup> Degree on 7/6/1999. Ms. Linehan submitted a letter of explanation, disposition paperwork and two letters of positive reference. Board members discussed issues with Ms. Linehan's repeated substance abuse and the status of that, issues with the letters of reference, and issues about her previous Delaware discipline. Mr. Salati made a motion, seconded by Dr. Lomax, to propose to deny licensure by reinstatement for Ms. Linehan, with the right for the applicant to a hearing. By unanimous vote, the motion carried.

Kimberly Wallace, RN

Ms. Wallace is an RN who graduated from DTCC, Georgetown Campus on 6/9/1990. Ms. Wallace showed discipline in another state, whereby she voluntarily surrendered her license in that state in 2010. Dr. Contino asked if her license was still surrendered and Dr. Zickafoose answered, "Yes." Dr. Contino asked if the Delaware Board of Nursing could issue a license for her if she has surrendered her license in another state. Dr. Zickafoose stated that she had a renewed license in Pennsylvania. Ms. Davis-Oliva said because Ms. Wallace is coming in as a new applicant in Delaware it is different. She said Delaware does not have automatic reciprocal discipline. She said there is no question as to Ms. Wallace's practice hours or refresher course. Ms. Nicholson said Ms. Wallace practiced 1000 hours in the past 5 years. Ms. Davis-Oliva said if her prior discipline is the only issue, the Board doesn't have the basis to deny her application. Ms. Halpern made a motion, seconded by Ms. Tyranski, to approve Ms. Wallace for reinstatement. By unanimous vote, the motion carried.

Advanced Practice Nurse

None

Renewal

None

**COMPLAINT ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON**

Ms. Nellius made a motion, seconded by Ms. Bradley, to ratify the following complaint assignments given to the respective Board contact person. By unanimous vote, the motion passed.

11-101-12 Deputy

11-102-12 Hines

11-103-12 Bradley

11-104-12 Tyranski	11-105-12 Tyranski	11-106-12 Littleton
11-01-13 Lomax	11-02-13 Maddex	11-03-13 Salati

### **CLOSED COMPLAINTS**

Closed complaints do not need a vote; they are for information only to get into the record.

Dismissed by the Attorney General's Office.

### **Closed Investigations by the Division of Professional Regulation**

11-102-11	11-112-11	11-132-11	11-133-11
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### **HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE**

#### **Consent Agreement(s)**

Kristine Symes – Board members reviewed the consent agreement. Ms. Hines said she did not agree with a letter of reprimand. She talked about Ms. Symes giving a child a double dose of medication. Board members discussed the possibility that the medication could have been in tablet form that was supposed to be cut in half. It was noted that the Board could only go by what information was stated in the consent agreement. Ms. Hines said Ms. Symes should have documented the medication prior to giving the dose, not afterward. Dr. Contino made a motion, seconded by Mr. Deputy, to accept the consent agreement as written. By majority vote, the motion carried, with Ms. Halpern abstaining and Ms. Hines opposing.

Michael Carrozza - Board members reviewed the consent agreement. Mr. Carrozza is a registered nurse in the State of Maryland and is practicing in Delaware pursuant to the Interstate Nurse Licensure Compact. Mr. Sanders made a motion, seconded by Ms. Nellius, to accept the consent agreement as written. By unanimous vote, the motion carried.

Denise Harper – Board members reviewed the consent agreement. Ms. Harper had medicine errors involving six different residents, and she failed to correctly document two medicine errors. Ms. Harper was terminated in December. She agreed her license should be placed on probation for two years. Members discussed the issues involved. Ms. Harper was subjected to discipline by her employer yet she didn't seem to be learning her lesson and probation is less oppressive than time off and losing a job. Members suggested suspension that was stayed for probation but if she had another error, the suspension would immediately occur. Mr. Salati made a motion, seconded by Ms. Hines, to reject the consent agreement with a notation as to why it is being rejected. By majority vote, the motion carried, with Ms. Halpern and Ms. Bradley opposing.

Meaghan McGuire – Board members reviewed the consent agreement. Ms. Davis-Oliva said this complaint was previously sent to the Board as an emergency suspension in December 2012 which requires a hearing within 60 days. She said Ms. McGuire's suspension should continue until Ms. McGuire submits a written request for a hearing. Mr. Deputy made a motion, seconded by Ms. Nellius, to accept the recommendation as written. By majority vote, the motion carried, with Ms. Halpern recused.

#### **Hearing Panel Findings/Decisions/Orders**

Appointment of Hearing Panel #13

Before appointing a new Hearing Panel, Ms. Nicholson publicly, and for the record, acknowledged the members of Hearing Panel #12 for the extra time and service that they were willing to give to the Board and to the citizens of Delaware. The Panel members were Mr. Price, Ms. Hines, and Ms. Nellius. Thank you to all.

Ms. Nicholson questioned Board members about the need to appoint Hearing Panels and whether it should be done ahead of time or not. Board members agreed they prefer to know in advance who is appointed. Ms. Nicholson nominated the members for Hearing Panel #13. The nominations are: Mr. Lyron Deputy, as a Professional Member, and as Chairman of the Panel; Ms. Kathy Bradley as a Professional Member; and Mr. Harland Sanders as the Public Member. Hearing Panel #13 will serve for a three-month period: February, March, and April. Ms. Nellius made a motion, seconded by Mr. Salati, to accept and approve Hearing Panel #13. By unanimous vote, the motion carried. Ms. Nicholson thanked the members of the new Hearing Panel for accepting their appointments and for their willingness to serve.

Susan Iplenski, LPN – Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Iplenski was in violation of CE requirements after being selected for a random audit. Ms. Iplenski said she had the CE's but was unable to get the documents, so she took the courses again. Mr. Salati said he didn't understand why Ms. Iplenski was flagged for the next two audits when there were other cases today that seemed worse than hers. Mr. Sanders said it wasn't recommended that Ms. Iplenski get a letter of reprimand and wondered if that was the reason she was being audited twice instead. Ms. Tyranski agreed with Mr. Salati and said she didn't feel it was appropriate for her to be audited twice as Ms. Iplenski jumped on getting her CE's done and turned in. Dr. Zickafoose said on renewals a person only has to attest that they have done CE's; they do not have to list them out. She said Ms. Iplenski had attested to having her CE's done. She said the only time they have to submit the actual CE's is when they are being audited. Dr. Contino said he was fine with the recommendation as is. Mr. Deputy made a motion, and Dr. Lomax seconded it, to approve the recommendation as written. By unanimous vote, the motion carried.

Jerusha Kibe, LPN – Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Kibe was in violation of CE requirements after being selected for a random audit. Dr. Lomax said she feels that anyone who is lacking their CE's at the time of audit should have their license suspended until they supply them to the Executive Director and they are approved. Ms. Tyranski made a motion, seconded by Ms. Hines, that the Board change the recommendation to state that Ms. Kibe's license will be suspended until she submits proof of 15.5 makeup CE's, to be provided to the Executive Director for approval, at which point suspension will be lifted. By unanimous vote, the motion carried. (It is noted that Dr. Contino is not part of the vote, as he has not returned to the meeting yet).

Bolanle Johnson, LPN - Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Johnson was in violation of CE requirements after being selected for a random audit. It stated Ms. Johnson sent in 30 CE's six months after the renewal period ended. Ms. Nicholson said the recommended letter of reprimand was proposed because Ms. Johnson falsely attested to having earned her CE's during the appropriate timeframe. Ms. Nicholson questioned why the recommendation stated the 30 CE's made up in August 2012 be deemed 'make-up' but no portion will be applied to the 2012 renewal period. Suggested changes to the recommendation included changing the reason for the letter of reprimand in #1; delete #2; and leave #3 as it is. Mr. Deputy made a motion, seconded by Mr. Salati, to approve the Hearing Office Recommendation with changes for Ms. Johnson. Motion carried by majority rule, with Ms. Nellius and Dr. Lomax voting 'no'.



Patricia Brady, LPN - Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Brady was in violation of CE requirements after being selected for a random audit. It also stated Ms. Brady admitted she was deficient but said this was due to strokes she suffered in 2005 and 2008. She explained during the rule-to-show-cause hearing that she couldn't get her employment verification for purposes of renewal. The Hearing Officer found that Ms. Brady complied with the CE requirements but didn't meet her practice hours documentation. The recommendation is to place Ms. Brady on probation for 120 days; during which time she supply the Board of Nursing successful completion of a refresher course. If that is not possible, Ms. Brady will be put on a supervised practice plan. Mr. Salati made motion, seconded by Ms. Bradley to approve the Hearing Officer Recommendation. By unanimous vote, the motion carried.

Shaina Hatchell, LPN - Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation found that Ms. Hatchell was in violation of audit requirements simply because she did not receive her audit request notice, due to the fact that it went to an address where she fails to spend much of her time. The hearing officer found Ms. Hatchell credible, and she was able to turn in all her required documents immediately after the hearing. No discipline was recommended for Ms. Hatchell; however, it was noted she should be audited at the next audit period. Dr. Contino made a motion, seconded by Mr. Deputy, to accept the Hearing Office Recommendation as written. By unanimous vote, the motion carried.

Cameisha Morton, LPN - Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Morton was in violation of CE requirements after being selected for a random audit. The recommendation suggested a letter of reprimand, and completion of 24 CE's within 30 days of signing the order. Failure to complete the CE request would bring an automatic license suspension. The 24 CE's submitted will not count towards the next renewal period. Ms. Nicholson questioned why this recommendation was not like the other ones with similar status. She asked why Ms. Morton did not have to show proof of her practice hours. Mr. Deputy asked if the Board could suspend her license due to the lack of CE's, and require her to provide documentation of her practice hours. Ms. Davis-Oliva said the Board can recommend Ms. Morton do a refresher course if she cannot provide her documentation for practice hours. Dr. Zickafoose suggested including wording to lift her suspension when she completes her CE's so she can do her practice hours. Ms. Nellius made a motion, seconded by Ms. Hines, to accept the Hearing Office Recommendation with the changes. By unanimous vote, the motion carried.

Larnice Surles-Lewis, LPN - Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Surles-Lewis was in violation of CE requirements and proof of practice hours after being selected for a random audit. The recommendation suggested a disciplinary letter of reprimand, and license suspension until 24 CE's are provided and proof of 400 practice hours or completion of a refresher course is supplied. Dr. Lomax asked if a letter of reprimand was necessary. The board determined it wasn't necessary in this case. Dr. Lomax made a motion, seconded by Ms. Nellius, to accept the recommendation with item #1 removed. By unanimous vote, the motion carried.

Sophie Lamour, LPN - Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Lamour was in violation of CE requirements after being selected for a random audit. Members discussed verification of employment. Ms. Halpern made a motion, seconded by Ms. Nellius, to delete #1, make #2 suspend license until she provides the documentation and keep items #3-5. By unanimous vote, the motion carried.

Gladys Kungu, LPN - Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Kungu sent in her required documents outside the renewal period. Dr.

Contino made a motion, seconded by Mr. Deputy, to accept the Hearing Officer Recommendations as written. By unanimous vote, the motion carried.

Grace Mongare, LPN Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Mongare sent in her certificates in response to the audit; however, she said she didn't know she needed documentation for contact hours. Ms. Mongare brought the documentation of CE's in for her hearing and was found to be compliant with no discipline imposed on her. The hearing officer said this was a case of miscommunication. Ms. Bradley made a motion, seconded by Mr. Deputy, to accept the Hearing Officer Recommendation as written. By unanimous vote, the motion carried.

Bridget Mbeng, LPN - Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Mbeng was in violation of CE requirements after being selected for a random audit. Ms. Mbeng brought documentation of her 24 CE's into the office; however, the CE's were earned either before or after the renewal period. Ms. Mbeng was unaware of the need for 24 hours of CE. Ms. Halpern made a motion, seconded by Ms. Nellius, to delete #1, to make #2 suspend license until documentation is supplied, and keep items #3-5. By unanimous vote, the motion carried.

Regina Matteer, LPN - Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Matteer was in violation of CE requirements after being selected for a random audit and nothing had been received. Mr. Deputy made a motion, seconded by Ms. Nellius, to change the Hearing Officer Recommendation by deleting #1, making #2 suspension until documentation was supplied. By unanimous vote, the motion carried.

Marianne Gould, LPN - Ms. Davis-Oliva summarized the Hearing Officer Recommendation for the Board. The recommendation stated Ms. Gould was in violation of CE requirements after being selected for a random audit. She was deficient one credit hour as one certificate was not acceptable with a date outside the audit period. Dr. Contino made a motion, seconded by Mr. Deputy, to accept the Hearing Officer Recommendation as written. By majority vote, the motion carried with Ms. Bradley abstaining.

### **DISCIPLINARY HEARINGS**

Hearing minutes follow the regular Board minutes.

### **LEGISLATIVE UPDATE**

There were no legislative updates.

### **REVIEW OF COMPLIANCE**

Dr. Zickafoose asked permission from the Board to be able to delegate authority so she can forward all non-compliance issues directly to the Hearing Officer. Ms. Nellius made a motion, seconded by Mr. Deputy, to delegate authority to staff to send non-compliance cases to the Hearing Officer for a Rule to Show Cause hearing. By unanimous vote, the motion carried.

### **Dawn Donovan**

Dr. Zickafoose informed the Board that Ms. Donovan was not compliant with her Board Order and nothing had been submitted. Ms. Nellius made a motion, seconded by Mr. Deputy, to send this case to the Hearing Officer for a Rule to Show Cause hearing. By unanimous vote, the motion carried.

### **Andrea Hyland**

Dr. Zickafoose informed the Board that Ms. Hyland was put on probation for one year. She met all requirements of the agreement with the exception of a supervisor evaluation which is forthcoming. Dr.

Contino made a motion, seconded by Mr. Deputy, to lift the probation once the supervisor report was received. By unanimous vote, the motion carried.

Mary Beth Snyder

Dr. Zickafoose informed the Board that Ms. Snyder worked greater than 60 days without a license and was given six months probation as a sanction. She submitted all necessary documents and met the requirements of her Consent Agreement. Mr. Sanders made a motion, seconded by Ms. Bradley, to lift the probation. By unanimous vote, the motion carried.

Faith Lynch

Dr. Zickafoose informed the Board that Ms. Lynch was put on 6 months probation. She has not been employed but the consent Agreement allows for this in #14. All other conditions of the probation were met. Ms. Bradley made a motion, seconded by Ms. Nellius, to lift the probation. By unanimous vote, the motion carried.

**PRACTICE WITHOUT LICENSURE REVIEWS**

Dr. Zickafoose said there were two persons that practiced without a license over 60 days; therefore, complaints were filed.

**PRACTICE ISSUES**

None

**EDUCATIONAL ISSUES**

Camtech – Request for Re-Consideration

Ms. Davis-Oliva informed the Board that after last month's vote, Camtech submitted a Request for Reconsideration and the basis was three-fold: 1. The Board failed to consider that Camtech graduates have maintained an over 80% pass rate for the past 6 months; 2. The Board wrongfully denied any argument or evidence during the deliberations on January 9, 2013; and 3. The decision to withdraw approval was based on the action plan rather than the 80% pass rate. Ms. Davis-Oliva related that the Request for Reconsideration included a list of thirteen students, twelve of whom Camtech states passed the NCLEX since July 2012, and asked what the reported pass rate was for Camtech from the NCSBN. Dr. Zickafoose read from the NCSBN report, indicating Camtech's pass rate for first-time takers was 58.82% from October to December 2012 and 50% from July to September 2012. Ms. Tyranski made a motion, seconded by Ms. Bradley, to deny Camtech's reconsideration request because after reviewing NCLEX scores, the claim that Camtech has an 80% pass rate for first time test takers is not supported by the evidence. Dr. Contino reiterated that the NCLEX scores required by the 80% rule refers to first time test takers, and the document submitted by Camtech does not call into question the official NCSBN report as Camtech's list of students does not indicate when the exam was taken, or whether it was taken by each of these students for the first time or not. By unanimous vote, the motion carried.

**LICENSURE ISSUES**

None

**NCSBN**

Dr. Zickafoose said Mr. Price will be attending the APN meeting; however, Ms. Hines and Ms. Bradley cannot attend the Midyear and Long Term Care conferences. She asked if any other Board members were interested in attending to let her know.

**LICENSEE RATIFICATION**

Ms. Halpern made a motion, seconded by Ms. Hines, to ratify the licensee list. By unanimous vote, the motion carried.

**PUBLIC COMMENT**

None

**NEXT SCHEDULED MEETING**

March 13, 2013 - 9:00 a.m.  
861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904.

**ADJOURNMENT**

The meeting adjourned at 3:44 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Pamela C. Zickafoose". The signature is written in a cursive, flowing style.

Pamela C. Zickafoose, EdD, MSN, RN, NE-BC, CNE  
Executive Director, Delaware Board of Nursing

## **HEARING MINUTES**

### **HEARING – Sarah Carey**

The Delaware Board of Nursing held a hearing on February 13, 2013, at 1:00 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

**PRESENT:** Evelyn Nicholson, Robert Contino, Kathy Bradley, Lyron Deputy, Diane Halpern, Gwelliam Hines, Mary Lomax, Madelyn Nellius, David Salati, Harland Sanders, Pamela Tyranski

**RECUSED:**

**EXCUSED:** Delphos Price, Tracey Littleton, Robert Maddex

**PURPOSE:** Lift Suspension

**PRESIDING:** Evelyn Nicholson, President

**BOARD STAFF:** Pamela Zickafoose, Executive Director of Nursing  
Sheryl Paquette, Administrative Specialist III

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Patty Davis-Oliva, DAG

**DEPUTY ATTORNEY GENERAL FOR THE STATE:**

**RESPONDENT:** Sarah Carey

**COUNSEL FOR THE RESPONDENT:**

**WITNESSES FOR THE STATE:**

**WITNESSES FOR THE RESPONDENT:**

**COURT REPORTER PRESENT:** Anne L. Swoyer, Wilcox and Fetzer

**TIME STARTED:** 1:07 p.m.

The recorder took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Carey was present for the hearing. Ms. Davis-Oliva entered documents as Board Exhibits #1 including a copy of the Hearing Officer Recommendation and Order dated July 17, 2012, a copy of the original Consent Agreement, and the letter scheduling this hearing. Licensee Exhibit #1 was entered into the record including CE documents totaling 8.8 hours.

Ms. Carey gave a statement into the record. The Board members asked questions of Ms. Carey. The Board went off the record at 1:23 p.m. for deliberations. The Board went back on the record at 1:25 p.m. Mr. Sanders made a motion, seconded by Dr. Contino, to lift the suspension on Ms. Carey's license. By unanimous vote the motion carried.

The hearing concluded at 1:28 p.m.

## **HEARING MINUTES**

### **HEARING – Nicole Dippolito**

The hearing scheduled for Ms. Nicole Dippolito was rescheduled per her request.